

RULE 1209

Appeals

(A) Appeal to the District Hearing Board.

- (1) Any aggrieved person who either in person (or through a representative) appeared, submitted written testimony or otherwise participated in the final decision of the APCO on the Federal Operating Permit may, within 10 days of such decision, petition the District Hearing Board to hold a public hearing to determine if such action was proper. The District Hearing Board shall hold the hearing within 30 days of the request.
- (2) Any applicant for a Federal Operating Permit whose application has been denied may, within 10 days after the receipt of the notice of denial, petition the District Hearing Board to hold a public hearing to determine if the Federal Operating Permit was properly denied.

(B) Petitions to USEPA.

- (1) If USEPA has not objected to the issuance of a Federal Operating Permit within 45 days after receipt of the proposed permit and all necessary supporting information, any person may:
 - (a) Petition USEPA to make such objection as long as:
 - (i) The petition is made within 60 days after the expiration of the 45 day review period; and
 - (ii) The petition is based on objections to the permit which were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within the comment period or that the grounds for such objection arose after the end of the comment period.
- (2) If USEPA objects to the issuance of a Federal Operating Permit in response to such a petition:
 - (a) If the Federal Operating Permit has not yet been issued the District shall not issue the permit until the objection has been resolved.

- (b) If the District has issued the Federal Operating Permit the District shall reopen the permit pursuant to the provisions of District Rule 1206 and shall not reissue the Federal Operating Permit without alterations which resolve the objection to the satisfaction of USEPA.

(C) Appeals for Acid Rain Provisions of a Federal Operating Permit.

- (1) All appeals involving the Acid Rain provisions of a Federal Operating Permit shall be made pursuant to District Rule 1210.

[Program Approval: Interim Approval 2/5/96, 61 FR 4217]